

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: #01-199
WITH RCW 42.17)	
)	REPORT OF INVESTIGATION
TACOMA SCHOOL DISTRICT)	
)	
Respondent.)	
_____)	

I.

BACKGROUND

- 1.1 On March 23, 2001, the Public Disclosure Commission received a complaint filed by Mr. Jami Lund of the Evergreen Freedom Foundation. The complaint alleged a violation of RCW 42.17.680 by the Tacoma School District for its failure to allow public inspection of employee payroll deduction authorizations for WEA-PAC contributions.

II.

SCOPE

- 2.1 Staff reviewed the complaint letter received March 23, 2001.
- 2.2 Staff reviewed the response received April 9, 2001 from Susan Schreurs, General Counsel for Tacoma Public Schools.
- 2.3 Staff reviewed Tacoma School District employees' WEA-PAC payroll deduction authorizations submitted to the payroll office for the 2000-01 school year.
- 2.4 Staff reviewed the 2000-01 school year WEA –PAC monthly payroll deduction registers maintained by the Tacoma School District.

III.

LAW

3.1 RCW 42.17.680 states in part:

- (3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.**
- (4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.**

WAC 390-17-100 dictates what information will be included on political contribution withholding authorizations:

(2) Employers may either use the suggested format below or their own form if it provides the following information:

- (a) The name of the individual authorizing the withholding or diversion;**
- (b) The name of the individual's employer;**
- (c) The name, city and state of each political committee for which contributions are to be withheld;**
- (d) If more than one political committee is specified, the total dollar amount per pay period (or per week, month or year) to be withheld for each committee;**
- (e) The date on which the authorized withholdings or diversions are to be effective;**
- (f) A statement specifying that the authorization is not valid for more than 12 months after the effective date;**
- (g) A statement that reads: "No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (i) the failure to contribute to, (ii) the failure in any way to support or oppose, or (iii) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee;"**

- (h) **The individual's signature; and**
- (i) **The date on which the form was completed.**

IV.

FINDINGS

- 4.1 On March 23, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging violation of RCW 42.17.680(4) by the Tacoma School District. **(Exhibit 1)** Lund's complaint alleges that a representative of the Evergreen Freedom Foundation (EFF) visited the Tacoma School District's Payroll Office (District) on March 21, 2001 and requested to see the payroll deduction authorizations for WEA-PAC contributions. The staff member responsible for payroll deductions was not available, so a second visit was arranged for the following day, March 22. The EFF representative returned to the District Payroll Office on March 22 and was given redacted copies of the WEA-PAC deduction authorizations. All identifying information had been redacted by the District, including names, addresses, telephone numbers, and social security numbers.
- 4.2 A response was received on April 9, 2001 from Susan Schreurs, General Counsel for Tacoma School District. **(Exhibit 2)** Schreurs responded that the District redacted the identifying information from the WEA-PAC deduction authorizations "*consistent with RCW 42.17.310(1)(b) and (u)*"¹ and to "[*protect*] the employee's privacy and freedom of association."
- 4.3 The District's response included a letter that it had sent to Jami Lund on March 23, 2001. In that letter, Lund was notified that the redacted copies were "*backed up by a signed employee authorization in [the District's] files. Identifying information was redacted from the copies, pursuant to RCW 42.17.130(1)(b) and (u) because disclosure of this information would violate employees' right to privacy. This information is also not subject to disclosure because of employees' constitutional interest in freedom of association.*" **(Exhibit 2)**
- 4.4 The District denied the Evergreen Freedom Foundation's request for public inspection of the information provided for by WAC 390-17-100(2).

¹ RCW 34.17.310 states, in part:

- (1) The following are exempt from public inspection and copying: . . .
 - (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. . . .
 - (u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers. . . .

- 4.5 PDC staff examined (1) the WEA-PAC contributions authorizations received by the District for the 2000-01 school year and (2) the District's 2000-01 WEA-PAC deduction registers. The District withheld WEA-PAC contributions through payroll deduction during the 2000-01 school year. No WEA-PAC contributions were withheld during the 2000-01 school year before the District received a signed authorization.

Respectfully submitted this 22nd day of August, 2001.

/s
Lori Anderson
Sr. Political Finance Specialist

EXHIBITS LIST

- Exhibit 1** Complaint letter received March 23, 2001.
- Exhibit 2** Response letter received April 9, 2001, from Susan Schreurs, General Counsel for the Tacoma School District.
March 23, 2001 letter from Susan K. Schreurs to Jami Lund